Town Board Minutes

(Municipal Review Committee)

Meeting No. 38

Special Meeting

December 19, 2005

Town Board Minutes

December 19, 2005

Meeting No. 38

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19th day of December 2005, at 6:30 PM and there were

PRESENT:

DANIEL AMATURA, COUNCIL MEMBER RONALD RUFFINO, COUNCIL MEMBER DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

REBECCA ANDERSON, PLANNING BOARD MEMBER

JOHN GOBER, PLANNING BOARD MEMBER

LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER

STEVEN SOCIIA, PLANNING BOARD MEMBER

MELVIN SZYMANSKI, PLANNING BOARD MEMBER STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT:

MARK MONTOUR, COUNCIL MEMBER

MICHAEL MYSZKA, PLANNING BOARD MEMBER

ALSO PRESENT:

MARY ANN PERRELLO, DEPUTY TOWN CLERK

RICHARD SHERWOOD, TOWN ATTORNEY ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

IN THE MATTER OF THE SEQR REVIEW OF THE

CITY FENCE INC. SITE PLAN

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the City Fence Site Plan matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK WHO MOVED ITS ADOPTION, SECONDED BY PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

NOTICE OF DETERMINATION: CITY FENCE, INC. SITE PLAN NEGATIVE DECLARATION

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is unlisted, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster 21 Central Avenue Lancaster, New York 14086 Richard J. Sherwood, Town Attorney 716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 4.34 acres.

The location of the premises being reviewed is situate at 3893 Walden Avenue, County of Erie, Town of Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following:
- C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted

C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/:	S					
		Robert	H.	Giza,	Superviso	1
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SEAL

December 19, 2005

and.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Eric County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

VOTED YES
WAS ABSENT
VOTED YES
VOTED YES
VOTED YES
VOTED YES
VOTED YES
VOTED YES
WAS ABSENT
VOTED YES
VOTED YES
VOTED YES

The Notice of Determination was thereupon unanimously adopted. December 19, 2005

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED BY PLANNING BOARD CHAIRMAN KEYSA FOR ADJOURNMENT OF THE MEETING, on roll, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	VOTED YES
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:45 P.M.

Signed	Mor	Ann Dorr	alla Da	auty Town	Clark
	Signed	-			

Town Board Minutes

Meeting No. 39

Regular Meeting

December 19, 2005

Town Board Minutes

December 19, 2005

Meeting No. 39

A Regular Meeting of the Town Board of the Town of Lancaster, Eric County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of December, 2005 at 8:00 P.M. and there were

PRESENT:

DANIEL AMATURA, COUNCIL MEMBER

RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER

ROBERT GIZA, SUPERVISOR

ABSENT:

MARK MONTOUR, COUNCIL MEMBER

ALSO PRESENT:

MARY ANN PERRELLO, DEPUTY TOWN CLERK

ROBERT LABENSKI, TOWN ENGINEER

RICHARD SHERWOOD, TOWN ATTORNEY

JEFFREY SIMME, BUILDING INSPECTOR RICCARDO ZUPPELLI, POLICE CAPTAIN

TERRENCE McCRACKEN, GENERAL CREW CHIEF

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matters:

- grant application for assessment information via internet
- Southeast Works

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- acceptance of wetlands
- use of funds from capital project closeout.

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- · unused vacation time
- cost of repairing storm sewer bubblers
- future use of Depew Library building

Korcz, Richard, 4946 William Street, spoke to the Town Board on the following matters:

- notification procedures for a rezone
- rezone of property on Aurora Street

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matters:

- his communication from last meeting
- cash balance closeout of Capital Projects
- · Bowmansville VFW
- · reassessment of 87 Stony Road
- · purchase of Walden Avenue building

Saelzer, Stephen, spoke to the Town Board on the following matter:

· band shelter at Youth Bureau

Symer, Donald, 610 Columbia Avenue, spoke to the Town Board on the following matter:

storm sewer bubblers

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held December 5, 2005 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER MONTOUR WAS ABSENT

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

December 19, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, CITY FENCE INCORPORATED, 6047 Transit Road, East Amherst, New York 14051 has submitted a Site Plan prepared by Left Coast Design Studio Architecture, P.C. dated November 2, 2005 and received November 2, 2005 for the construction of a new 110' x 40' metal building for storage and fabrication purposes which incorporates the use of the existing stone parking area together with installation of a storm water detention pond on a parcel located at 3893 Walden Avenue in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting November 16, 2005 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held December 19, 2005 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by CITY FENCE INC., prepared by Left Coast Design Studio Architecture, P.C. dated November 2, 2005 and received November 2, 2005 for the construction of a new 110' x 40' metal building for storage and fabrication purposes which incorporates the use of the existing stone parking area together with the installation of a storm water detention pond on a parcel located at 3893 Walden Avenue with the following condition:

(1) The existing stone parking area to be fenced and if the north face of the fence facing Walden Avenue is chain link that it have inserts to provide for screening for aesthetic purposes.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

VOTED YES

SUPERVISOR GIZA

VOTED YES

December 19, 2005

File: rspeityfenceine 1205

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER RUFFINO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the County of Erie Department of Senior Services has heretofore provided a van to the Town of Lancaster for the purpose of providing transportation to senior citizens in the Town of Lancaster, and

WHEREAS, it is necessary to enter into a contractual arrangement with the County of Erie in order to continue providing said services to seniors, and

WHEREAS, the Town Attorney has reviewed the proposed contract with the County of Erie;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the Agreement with the County of Eric Department of Senior Services for the year 2006.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA

COUNCIL MEMBER MONTOUR

COUNCIL MEMBER RUFFINO

COUNCIL MEMBER STEMPNIAK

VOTED YES

VOTED YES

SUPERVISOR GIZA

VOTED YES

December 19, 2005

File: rsrvan05

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, thirty-four (34) municipalities within Eric County, New York are participating members of the Eric County Community Development Block Grant (CDBG) consortium; and

WHEREAS, said municipalities have entered into various contracts with the County of Eric committing to said membership and agreeing to have municipal population, poverty, housing stock and other variables included in the federal CDBG entitlement calculation to consortium members, and

WHEREAS, Erie County and the Erie County Consortium have entered into memoranda of understanding and organization by-laws defining CDBG responsibilities and policies concerning the administration of the CDBG Urban County Program within Erie County; and

WHEREAS, the Eric County Department of Environment and Planning is the agency within Eric County designated to administer the Eric County Community Development Block Grant Program on behalf of Consortium Communities; and

WHEREAS, the municipalities comprising the Erie County CDBG Consortium have enjoyed a sound working relationship with the Erie County Department of Environment and Planning in the administration of the CDBG Program since 1977, and

WHEREAS, the Buffalo Niagara Partnership and Eric County Industrial
Development Agency are recommending a transfer of administrative responsibilities from the
Eric County Department of Environment and Planning to the Eric County Industrial Development
Agency; and

WHEREAS, the Erie County CDBG Consortium is required to approve major changes to the Memoranda of Understanding, By-Laws, Five-Year consolidated Plan, and Annual Action Plan Component of said Plan, and any amendments thereto, and

WHEREAS, said transfer would require execution of a detailed sub-recipient agreement between Eric County Industrial Development Agency and Eric County, and

WHEREAS, said transfer would represent a major administrative change in the Erie County CDBG Program requiring the Consortium adopt amendments to all agreements governing the Eric County CDBG Program and to the applicable Annual Action Plan of the 2005-09 Consolidated Plan.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster opposes any change to the existing administrative structure of the Eric County CDBG Program, and

BE IT FURTHER

RESOLVED, that the governing bodies of each Consortium municipality shall be informed of the Town of Lancaster opposition and encouraged to take appropriate action supporting the current program and opposing the proposed change, and

BE IF FURTHER

RESOLVED, that copies of this resolution shall be forwarded to the Erie County Legislature for consideration in addressing any action necessary to approve the aforementioned Sub-Recipient Agreement between Eric County and the ECIDA or similar organization;

AND BE IF FURTHER

RESOLVED, that the Town Clerk forward certified copies of this resolution to the chief elected officials of all Consortium municipalities; to County Legislator Denise Marshall, County Legislator-Elect Kathy Konst, the Eric County Legislature, the Eric County Executive, the Commissioner of the Department of Environment and Planning, the Eric County Attorney, the Director of the Eric County Industrial Development Agency, and the President of the Buffalo Niagara Partnership.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 19, 2005

File: redbgeonsortium121905

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA. TO WIT:

WHEREAS, the Town Board of the Town of Lancaster desires to renew the lease at 11 West Main Street, Lancaster, New York for occupancy by the Building Inspector's office for the year commencing January 1, 2006 and ending December 31, 2006, and

WHEREAS, the Town Attorney has advised the Town Board that the owner Lancaster Village Partnership will agree to a renewal of the current lease with the only change being the rent which will increase from \$1,550 per month to \$1,595 per month, and

WHEREAS, the Town Board has duly considered the renewal of this lease to continue the Building Inspector's office in its present location;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute a lease addendum with the Lancaster Village Partnership for renewing the lease at 11 West Main Street for the year commencing January 1, 2006 through December 31, 2006 for occupancy by the Town Building Inspector.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 19, 2005

File: rbuildinginspectionlease 1205

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster is a member in the Western New York Storm Water Coalition together with the County of Eric and other municipalities throughout Eric County, and

WHEREAS, the Coalition has prepared an intermunicipal agreement to formalize the participation and commitment of the members and has determined that the agreement should take the form of a Memorandum of Agreement (MOA) which change and format has been approved by the New York State Department of Environmental Conservation's legal staff in Albany, New York, and

WHEREAS, to retain membership in the coalition the Town of Lancaster must execute the Memorandum of Agreement which has been drafted for all members to sign, and

WHEREAS, the Town Attorney has reviewed the proposed Memorandum of Agreement and By-Laws for the Western New York Storm Water Coalition and determined same to be in proper legal form;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to execute the Memorandum of Agreement formalizing the Western New York Stormwater Coalition which will provide for a united effort by the municipalities of Eric County and the County of Eric in dealing with stormwater issues and the response thereto.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

VOTED YES
WAS ABSENT
VOTED YES
VOTED YES
VOTED YES

December 19, 2005

File: rwnystormwatercoalition121905

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster is the owner of the building at 321 Columbia Avenue in the Village of Depew which has been operated as a branch of the Lancaster Town Public Library, and

WHEREAS, the Library Board of Trustees of the Town of Lancaster has determined that given the County of Erie budget cutbacks that they will be unable to continue operation of the Depew Branch Library as beforementioned, and

WHEREAS, the Buffalo and Eric County Public Library Board of Trustees has under the authority of law provided for the disposal of certain personal property owned by the Buffalo and Eric County Public Library (B&ECPL) by transfer to other libraries or to the political subdivisions within which the library is located, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to request the transfer to the Town of certain personal property of the B&ECPL, not used for library purposes in the Depew Branch Library in the Town of Lancaster, which property shall be enumerated in a subsequent conveyance document which property the Town of Lancaster shall then arrange to use to assist not-for-profit organizations serving community missions including library related services in the Town of Lancaster;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster places the B&ECPL
Board of Trustees on notice that it desires the transfer of personal property remaining at the
Depew Branch Library which is owned by the B&ECPL to the Town of Lancaster so that the
Town of Lancaster may arrange for the use of this property by not-for-profit organizations serving
community missions which may include library related services in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 19, 2005

File: rlibraryclosing1205

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief of the Parks and Recreation Department of the Town of Lancaster by letter dated December 7, 2005 has recommended the appointment of Judith Szczesniak and Monica Perna to fill one vacancy in the position of Recreation Attendant, at the Senior Citizens Center of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Judith Szczesniak, 8 Chapin Circle, Lancaster, New York and Monica Perna, 200 Siebert Road, Lancaster, New York be and are hereby appointed to share the position of Recreation Attendant, permanent, part-time, at the Senior Citizens Center of the Town of Lancaster, at \$9.00 per hour, and that this appointment, being a part time position, provides no health insurance, sick days, vacation or other fringe benefits not specifically mandated for part time employees. Ms. Szczesniak's appointment is to be retroactive to December 8, 2005 in order to not interrupt the operation of the Hot Meals Program and Ms. Perna's appointment is effective immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows

COUNCIL MEMBER AMATURA VOTED YES
COUNCIL MEMBER MONTOUR WAS ABSENT
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

December 19, 2005

tile: Rpers/Rperstc.p.t (PS)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, it is necessary to make various transfers within the 2005 budget accounts of the Town of Lancaster at the close of Town business on December 31, 2005.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is authorized and directed to make such transfers to all over-expended accounts from available funds in the 2005 Budget, including unappropriated fund balances, upon the close of Town business on December 31, 2005.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES
COUNCIL MEMBER MONTOUR WAS ABSENT
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

December 19, 2005

File: RACCTRAN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

NOW, THEREFORE, BE IT

RESOLVED, that due to the observance of the New Years Day holiday on Monday, January 2, 2006 the Organizational and Regular Meeting of the Town Board will be held Tuesday, January 3, 2006 at 8 P.M., preceded by a Town Board work session at 7 P.M.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES
COUNCIL MEMBER MONTOUR WAS ABSENT
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

December 19, 2005

File: RMTGDATE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain of the Town's Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to officially close said projects and, where applicable, properly direct the disposition of the unexpended cash balances of these projects,

NOW, THEREFORE, BE IT

RESOLVED, that the Capital Projects listed below are hereby deemed complete and that their respective accounts on the Town's books be closed except that those accounts which are necessary to properly record the liability associated with any and all outstanding debt of the projects and/or subsequent retirement of said debt shall be closed after said debt is retired, and

BE IT FURTHER

RESOLVED, that where applicable, the project cash balances listed below be transferred to the "Reserve for Debt Service" account of the operating fund specified below:

Project Name/Description Senior Ctr. Reconstruction	Fund <u>No.</u> 139	Date <u>Authorized</u> 02/05/01	Project Balance \$44,805.64	Operating Fund General Fund - Townwide
Salt Storage Facility	151	04/19/04	5,625.42	General Fund - Townwide
NYS Archive Grant - Police	157	n/a	0.00	General Fund - Townwide

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, by letter to the Town Board dated December 13, 2005, David J. Brown, Director of Administration and Finance for the Town of Lancaster has requested permission to carry forward into 2006 a portion of his unused 2005 vacation, and

WHEREAS, the Town Board of the Town of Lancaster has duly considered this request and desires to approve same.

NOW, THEREFORE, BE IT

RESOLVED, that David J. Brown, Director of Administration and Finance for the Town of Lancaster, be and is hereby authorized to carry forward into 2006 a maximum of seven (7) of his 2005 allotment of vacation days or whatever portion thereof remains unused as December 31, 2005.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letters dated November 15, 2005 and December 5, 2005, has requested the addition of members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department the following individuals:

ADDITIONS:

Josh Wiseman 10 Nichter Road Lancaster, New York	Aaron Frost 3298 Crittenden Road Alden New York	Brian Fenik 5 Broadmoor Ct Lancaster, New York	Richard Davics 115 Spohn Drive Depew, New York
James Hamon 1369 Village Park Dr Alden, New York	Michael Hunt 6 Avian Way Lancaster, New York	Richard Nelson 36 Lake Avenue Lancaster, New York	

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 19, 2005

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER RUFFINO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK. TO WIT:

WHEREAS, the Executive Director of the Town of Lancaster, by letter dated December 13, 2005, has requested the appointment of a member to the Youth Board of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that the following individual is hereby appointed a member of the Town of Lancaster Youth Board for the period December 19, 2005 to May 31, 2007:

Jacob Stanton 3456 Walden Avenue Depew, New York

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER MONTOUR WAS ABSENT

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

December 19, 2005

File: RPERS.BD (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by memorandum dated December 6, 2005 has recommended the appointment of Michael Drewniak to the position of Police Officer, and

WHEREAS, Michael Drewniak has placed in the top three (3) candidates with the rating of 100%.

NOW, THEREFORE, BE IT

RESOLVED, that Michael Drewniak be and is hereby appointed to the position of Police Officer, in the Town of Lancaster Police Department, effective January 28, 2006, with full benefits and salary in accordance with the departmental procedures as set forth in the current Police Benevolent Association contract.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES
COUNCIL MEMBER MONTOUR WAS ABSENT
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

December 19, 2005

file: rpers\rapers

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, by resolution dated October 3, 2005, the Town Board of the Town of Lancaster confirmed that the Town will accept title to the "Northern Mitigation Area" for the Gateway Center development pursuant to the terms of the federal wetland permit for that project issued by the United States Army Corps of Engineers (the "Wetland Permit") to NEC Transit William, LLC ("NEC"), and

WHEREAS, in addition to the Northern Mitigation Area, the mitigation plan in the Wetland Permit also requires (1) the creation of 7.14 acres of wet meadow wetland at a second property within the Town of Lancaster known as the "Steinfeldt Mitigation Area" and (2) the preservation in perpetuity of the beforementioned 7.14 acres together with 1.61 acres of existing wetland and 4.25 acres of upland, through the placement of deed restrictions and transfer of the property to the Town of Lancaster, and

WHEREAS, NEC accordingly has requested that the Town Board also confirm that the Town will accept title to the "Steinfeldt Mitigation Area" as required under the Wetland Permit, and

WHEREAS, the location of the Steinfeldt Mitigation Area property to be transferred to the Town pursuant to NEC's wetland permit is shown on the tax map attached hereto, and

WHEREAS, the Town and NEC/The Bella Vista Group, Inc. ("Bella Vista") entered into an agreement on August 29, 2002 with respect to certain traffic mitigation and Highway Work Permit issues for the Gateway Center, and

WHEREAS, NEC/Bella Vista has requested that this traffic mitigation agreement be assignable to third parties who might acquire a portion of the Gateway Center, and

WHEREAS, the Town Board, after due review and consideration, deems it appropriate to confirm for NEC that the Board will accept title to the Steinfeldt Mitigation Area as required under the Wetland Permit to advance further the development of the Gateway Center, and

WHEREAS, the Town Board, after due review and consideration further deems it appropriate to confirm to NEC that the Board will consent to NEC assigning its interest in the traffic mitigation agreement dated August 29, 2002 to a third party and that a third party may assume the obligation of NEC pursuant to that agreement;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to notify the developer NEC that it will accept title to the Steinfeldt Mitigation Area as described herein pursuant to the terms of the Wetland Permit, and

BE IT FURTHER

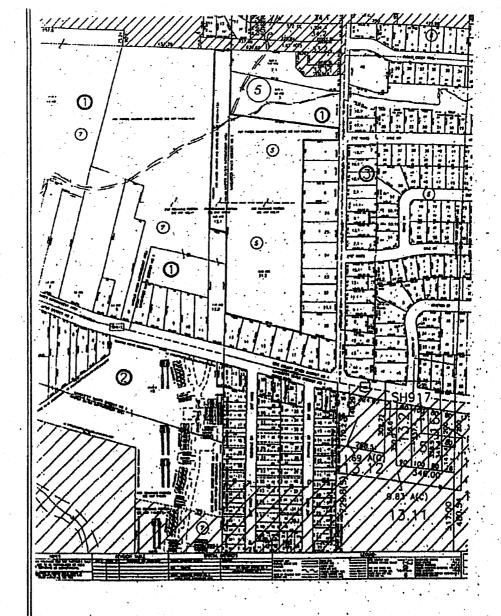
RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the attached Consent to Assignment and Assumption regarding the Traffic Mitigation Agreement entered into by the Town and NEC on August 29, 2002, which will permit NEC to assign its interest in the Agreement to a third party and the third party assuming NEC's obligations thereunder.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

December 19, 2005

File: rgatewaycenterdevelopment121905



THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER RUFFINO. TO WIT:

WHEREAS, Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Columbia Gardens Subdivision, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 610 of Forbes Homes, Inc. 2635 Millersport Hwy, Getzville, New York, for the installation of:

P.I.P. No. 610 (Street Lights) Installation of 3 street lights: Columbia Gardens

Subdivision

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER MONTOUR WAS ABSENT

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

December 19, 2005

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK. TO WIT:

WHEREAS, the Town of Lancaster seeks grant monies to make assessment information more easily available to the public, and

WHEREAS, the New York State Office of Real Property Services has developed a grant program to assist localities with developing on-line assessment information services, and

WHEREAS, the Lancaster Town Board is desirous of acquiring grant monies to make assessment information available to the public via the Internet.

NOW, THEREFORE, BE IT

RESOLVED, that the Lancaster Town Board hereby authorizes the submission of a grant application to the New York State Office of Real Property Services for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Town of Lancaster hereby commits to providing the necessary technical and financial support to continue the program developed via grant funds in years two through five, and

BE IT FURTHER

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Office of Real Property Services for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA
COUNCIL MEMBER MONTOUR
COUNCIL MEMBER RUFFINO
COUNCIL MEMBER STEMPNIAK
SUPERVISOR GIZA
VOTED YES

December 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER AMATURA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK. TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has reviewed the circumstance involving the need to address the revision of storm sewer bubblers at the lateral connection into the main sewer on town roads, and

WHEREAS, the Highway Superintendent has heretofore completed these revisions but has now advised the Town Board that the assignment of manpower from his department together with having to deploy equipment on an irregular schedule during the year when this work is undertaken interferes with the general highway work that is performed by his department, and

WHEREAS, in reviewing a proposal from G&K Sewer Construction Company Inc., 3135 Walden Avenue, Depew, New York 14043 submitted to the Highway Superintendent and upon the Highway Superintendent's recommendation regarding this contract it has been determined that the revision of the storm sewer bubblers can be completed at less cost to the Town by this outside contractor rather than deploying highway department resources, the proposal being for a set fee of \$325 for each sewer bubbler, and with a \$6,000.00 maximum for entire project, and

WHEREAS, the Town Board has given due consideration to the recommendation of the Highway Superintendent and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a contract with G&K Sewer Construction Company Inc., 3135 Walden Avenue, Depew, New York 14043 for the express purpose of having the beforementioned contractor complete revision of storm sewer bubblers on an as needed basis as determined by the Highway Superintendent at a cost not to exceed \$325 as set forth in the contract proposal.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA
COUNCIL MEMBER MONTOUR
COUNCIL MEMBER RUFFINO
COUNCIL MEMBER STEMPNIAK
SUPERVISOR GIZA
VOTED YES
VOTED YES
VOTED YES

December 19, 2005

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER AMATURA. TO WIT:

WHEREAS, the Town of Lancaster has applied and received a grant from the New York State Education Department State Archives Local Government Records Management Improvement Fund to electronically scan architectural drawings, maps and plans thereby improving access to these records, and

WHEREAS, the Building Inspector of the Town of Lancaster, by letter dated December 13, 2005, has requested the appointment of two part time temporary employees to prepare files and documents for scanning, imaging and file conversion.

NOW, THEREFORE, BE IT

RESOLVED, that Diana Carney, 151 Lake Avenue, Lancaster, New York 14086, and Richard D'Arcy, Jr., 208 Ransom Road, Lancaster, New York be and are hereby appointed to the shared temporary position in the Building Inspector's Office, part-time, at an hourly rate of \$10.00, effective December 20, 2005 with no health insurance, sick days, vacation or other fringe benefits. This appointment will terminate July 31, 2006.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES
COUNCIL MEMBER MONTOUR WAS ABSENT
COUNCIL MEMBER RUFFINO VOTED YES
COUNCIL MEMBER STEMPNIAK VOTED YES
SUPERVISOR GIZA VOTED YES

December 19, 2005 File: RPERS.TEM (P1)

Ruffino/	Accept Water Lines, Storm Sewers, Pavement Roseland Subdivision
	At the request of Council Member Ruffino, this resolution was withdrawn for
further study.	

THE FOLLOWING RESOLUTION WAS OFFERED BY SUPERVISOR GIZA, WHO MOVED ITS ADOPTION, SECONDED BY COUNCIL MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director of Administration and Finance, to wit:

Claim No. 18969 to Claim No. 19255 Inclusive

Total amount hereby authorized to be paid: \$332,007.89

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA VOTED YES

COUNCIL MEMBER MONTOUR WAS ABSENT

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPNIAK VOTED YES

SUPERVISOR GIZA VOTED YES

December 19, 2005

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCIL MEMBER STEMPNIAK, WHO MOVED ITS ADOPTION. SECONDED BY COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

13424	KML Fence	32 Michael Anthony Ln	Er. Fence	
13425	Kuntz, Steven	178 Pavement Rd	Er. Fireplace	
13426	Garofalo, Adam	73 Cotton St	Er. Fireplace	(V/L)
13427	Ryan Homes	1 St Anthony St	Er. DwlgSin.	
13428	Marrano/Marc Equity	17 Ashwood Ct	Er. DwlgSin.	
13429	Marrano/Marc Equity	35 Ashwood Ct	Er. DwlgSin.	
13430	Olewniczak, David	25 Briarwood Dr	Er. Fireplace	(V/L)
13431	Lancaster Theater Dev.	4901 Transit Rd	Er. Sign-Temp	
13432	Signs Unlimited	5111 Transit Rd	Er. Sign	
13433	Knoer, Wanda	26 Brady Ave	Er. Res. Add.	(V/L)
13434	Forbes Homes Inc	64 Kennedy Ct	Er. DwlgSin.	
13435	Forbes Homes Inc	66 Kennedy Ct	Er. DwlgSin.	
13436	Parco Building Systems	676 Townline Rd	Er. Pole Barn	
13430	i areo Danoing Oysiens	oro rominine ita	21. 1 010 154.11	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 19, 2005

File: Rbldg2

COMMUNICATIONS & REPORTS:

642. Town of West Sene	ca to Supervisor -
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Transmittal of resolution opposing change in administration structure of Eric County Community Block Grant program. DISPOSITION = Resolution 12/19/05

643. Town of Hamburg to Town Board -

Transmittal of resolution opposing change in administration structure of Erie County Community Block Grant program. DISPOSITION = Resolution 12/19/05

644. Eric County Legislature to Town Board -

Transmittal of resolution to amend Erie County Tax Act to permit towns to accept partial payments on Town and County taxes. DISPOSITION = Town Clerk

645. Erie County Legislature to Town Board -

Transmittal of resolution approving appointments to Board of Managers for Erie County Sewer District #4. DISPOSITION = Town Engineer, Supervisor

646. Town Clerk to Town Board -

Transmittal of monthly report for November 2005. DISPOSITION = Received & Filed

647. Cathleen Pijacki to Town Board -

Comments regarding proposed Pilot Truck Stop, Transit Road. DISPOSITION = Planning Committee

648. Council Member Mark Montour to Brian J. Schneider -

Reply to correspondence from Mr. Schneider dated November 5, 2005. DISPOSITION = Received & Filed

649. Mary Bartz, Senior Center to Supervisor -

Notification of resignation of Charlene Ciccarelli effective November 16, 2005. DISPOSITION = Received & Filed

650. Bee Group Newspapers to Town Board -

Request designation of Lancaster Bee as "Official Newspaper" for 2006. DISPOSITION = Resolution 1/03/06

651. Village of Alden to Town Board -

Transmittal of resolution opposing change in administration structure of Eric County Community Block Grant program. DISPOSITION = Resolution 12/19/05

652. Town Attorney to Town Board, Planning Board -

Notice of SEQR meeting to be held Monday, December 19, 2005, 6:30 PM regarding site plan of City Fence, 3893 Walden Avenue. DISPOSITION = Received & Filed

653. Town Clerk to Various News Media -

Notice of SEQR meeting to be held Monday, December 19, 2005, 6:30 PM regarding site plan of City Fence, 3893 Walden Avenue. DISPOSITION = Received & Filed

654. Town Attorney to Town Board -

Request for reappointment as Town Attorney, also request to reappoint John Dudziak as Deputy Town Attorney and Nicholas LoCicero as Town Prosecutor. DISPOSITION = Resolution 1/3/06

655. Anthony J. Esposito to Supervisor -

Notification of not seeking reappointment to Zoning Board of Appeals.

DISPOSITION = Received & Filed

656. Adelphia to Supervisor -

Notification of certain price adjustments in cable television service. DISPOSITION = Received & Filed

657. Town Clerk to Town Board -

Transmittal of consolidated report of 2005-2006 school tax collection and tax warrants. DISPOSITION = Received & Filed